

Recruit 55 Members of Congress to co-sign Supreme Court brief filed today

WASHINGTON— Today, Congresswoman Carolyn McCarthy (D-NY) and Congressman Mike Quigley (D-IL) joined 53 other members of Congress in filing a “friend of the court” brief with the U.S. Supreme Court, urging the Court to allow Chicago’s handgun ban to stand, and supporting the right of state and local governments to maintain sensible restrictions on gun possession and use. The brief was filed in advance of a March 2nd hearing of *McDonald v. City of Chicago*, a case that will examine the constitutionality of the Chicago ordinance which is currently under fire in the wake of the Court striking down a similar Washington D.C. statute last year.

In recent months, McCarthy and Quigley spearheaded the major initiative and recruited a total of 55 Members of Congress to co-sign an amicus curiae (“friend of the court”) brief in support of Chicago’s ordinance, which is being challenged in the nation’s highest court on 2nd amendment grounds.

“Cities and towns across the country have suffered extensive loss of life, threats to the safety and security of citizens and law enforcement personnel, and massive health care costs associated with gun violence,” said Congresswoman McCarthy. **“It is the responsibility of government to maintain public safety and protect families from preventable acts of violence. The question before the Court is not whether someone can own a gun, but rather can citizens and elected officials support measures that are appropriate and necessary to keep communities free from violence. Stripping local governments of this responsibility would put families and neighborhoods at risk by disregarding the expertise of local officials who possess an intimate knowledge of the unique characters of their communities and the problems they face. Local governments and law enforcement agencies should be empowered to use this insight to develop appropriate solutions for their own communities.”**

“Simply put, local governments need the latitude to address the unique problems that threaten the public safety of their communities,” said Congressman Quigley. **“The conditions in Chicago, where 500 school children have been involved in gun-related incidents in the past two years, fortunately don’t exist in rural or even other urban areas across the country. We are by no means saying that a gun ban is necessary everywhere, nor are we trying to encumber the lifestyles or rights of enthusiasts, collectors, or hunters. But the children of Chicago and their families have a right to live without fear of gun violence as well, and the city must be allowed to continue protecting that right**

with sensible regulations.”

The brief was filed today and was co-authored by the law firm of Boies and Schiller with the members of Congress. It has the support of the City of Chicago’s legal office, which filed its own brief as the respondent in the case last week.

The Supreme Court ruled in *District of Columbia v. Heller* (2008) that the 2nd Amendment entitles people to keep handguns at home for self-protection. However, the *Heller*

case dealt with a law enacted by the federal government (since D.C. is a federal enclave), and the Court did not specifically address whether the 2

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amendment applies to the states or their entities, such as Chicago.

In past decisions, the Supreme Court has held that the right protected by the 2nd Amendment is not absolute, but is instead subject to government regulation. The congressional amicus brief reaffirms this position, and states that the 2

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amendment does not and should not constrain the ability of local officials to respond to the dire problems that threaten to destroy their individual communities.

“We are trying to keep dangerous weapons out of dangerous hands who seek to hurt us and threaten our security,” added Quigley. **“In the wake of the tragedy at Ft. Hood, now more than ever, we must enact sensible, meaningful gun control legislation, and help law enforcement do their job to protect our communities.”**

Chicago’s gun ban has been in place for over 25 years and has widespread support amongst Chicago lawmakers, residents, and law enforcement. In an October *Chicago Sun-Times* story, Chicago Police dismissed the notion that more handguns would lower the crime rate.

“The logic they are using ... is ridiculous. You usually do not burglarize a home that is occupied,” said Mark Donahue, president of the Fraternal Order of Police.

The article also discusses a study by Emory University which concluded that a gun kept in one's home is 21 times more likely to injure one's self or a loved one, either accidentally or intentionally, rather than an intruder.

While critics point to ongoing violence as evidence that the Chicago ban has not worked since criminals don't use registered guns, [another recent study](#) which includes interviews with gang members suggests that the ban has actually reduced the flow of illegal weapons because there are less arms available in the local underground marketplace.

Congressman Quigley recently co-authored [an editorial](#) with Mayor Richard M. Daley on the urgency to allow Chicago to govern its own streets. He has also called for the reinstatement of the assault weapons ban (which expired in 2004) and is fighting to close the gun-show loophole, a lapse in gun-control law that allows unlicensed gun dealers to sell weapons without performing a background check.

Since coming to Congress, Congresswoman Carolyn McCarthy has been a long-standing advocate for measures to prevent gun violence in this country. She recently passed legislation, the NICS Improvement Amendments Act, to strengthen the federal background check system for potential firearm purchases. She has also worked on measures to facilitate the sharing of gun tracing data between law enforcement agencies, close the gap that allows terrorists to legally buy guns, end the loophole that allows guns to be sold at gun shows without background checks, and ban the use of high-power assault rifles that threaten our law enforcement and public.

The *McDonald* case will be argued before the Supreme Court on March 2nd. The Court is expected to issue its decision by the end of June.

The following Members of Congress have signed the amicus brief mentioned above:

Representative Carolyn McCarthy (NY-04)

Representative Mike Quigley (IL-05)

Representative Gary L. Ackerman (NY-05)

Representative Timothy H. Bishop (NY-01)

Representative Robert A. Brady (PA-01)

Representative Lois Capps (CA-23)

Representative Michael E. Capuano (MA-08)

Representative Yvette D. Clarke (NY-11)

Representative Wm. Lacy Clay (MO-01)

Representative Gerald E. Connolly (VA-11)

Representative Elijah Cummings (MD-07)

Representative Joseph Crowley (NY-07)

Representative Danny K. Davis (IL-07)

Representative Diana DeGette (CO-01)

Representative Eliot L. Engel (NY-17)

Representative Sam Farr (CA-17)

Representative Chaka Fattah (PA-02)

Representative Luis Gutierrez (IL-04)

Representative Mazie K. Hirono (HI-02)

Representative Michael M. Honda (CA-15)

Representative Steve Israel (NY-01)

Representative Jesse L. Jackson, Jr. (IL-02)

Representative Sheila Jackson-Lee (TX-18)

Representative Henry C. Johnson, Jr. (GA-04)

Representative Patrick J. Kennedy (RI-01)

Representative Carolyn C. Kilpatrick (MI-13)

Representative James R. Langevin (RI-02)

Representative John B. Larson (CT-01)

Representative Nita M. Lowey (NY-18)

Representative John Lewis (GA-05)

Representative James P. McGovern (MA-03)

Representative Carolyn B. Maloney (NY-14)

Representative Doris O. Matsui (CA-05)

Representative Gregory Meeks (NY-06)

Representative George Miller (CA-07)

Representative Gwen Moore (WI-04)

Representative James P. Moran (VA-08)

Representative Jerrold Nadler (NY-08)

Representative Grace F. Napolitano (CA-38)

Representative Bill Pascrell, Jr. (NJ-08)

Representative Donald M. Payne (NJ-10)

Representative David E. Price (NC-04)

Representative Charles B. Rangel (NY-15)

Representative Steven R. Rothman (NJ-09)

Representative Lucille Roybal-Allard (CA-34)

Representative Bobby L. Rush (IL-01)

Representative Linda T. Sánchez (CA-39)

Representative Janice D. Schakowsky (IL-09)

Representative José E. Serrano (NY-16)

Representative Louise McIntosh Slaughter (NY-28)

Representative Fortney Pete Stark (CA-13)

Representative Edolphus Towns (NY-10)

Representative Debbie Wasserman Schultz (FL-20)

Representative Anthony D. Weiner (NY-09)

Representative Lynn C. Woolsey (CA-06)

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